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PTO/SB/61 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		<b>Docket Number (Optional)</b>  Cardsafe1
First Named Inventor: <u>Holloway</u>	Art Unit: <u>3676</u>	
Application Number: <u>10/537,340</u>	Examiner: <u>BOSWELL</u>	
Filed: <u>December 16, 2005</u>		
Title: <div style="border: 1px solid black; padding: 5px; display: inline-block;">CARDS SAFE</div>		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b> NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee		
<input checked="" type="checkbox"/> Small entity – fee \$ <u>270</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.		
<input type="checkbox"/> Other than small entity – fee \$ _____ (37 CFR 1.17(l)).		
2. Reply and/or fee		
A The reply and/or fee to the above-noted Office action in the form of <u>Amendment</u> (identify the type of reply):		
<input type="checkbox"/> has been filed previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith.		
B The issue fee of \$ _____		
<input type="checkbox"/> has been filed previously on _____		
<input type="checkbox"/> is enclosed herewith.		

11/08/2010 SDENB083 00000007 10537340

01 FC:2452

270.00 CP

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

*John E. Tarcza*  
\_\_\_\_\_  
Signature

November 4, 2010  
\_\_\_\_\_  
Date

John E. Tarcza  
\_\_\_\_\_  
Typed or printed name

33,638  
\_\_\_\_\_  
Registration Number, if applicable

5200 Crest Court Jefferson, MD 21755  
\_\_\_\_\_  
Address

301-371-7740  
\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

Enclosure ☒ Fee Payment

- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

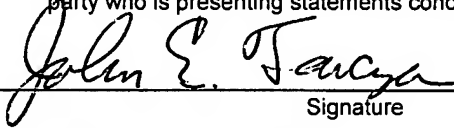
Nov. 4, 2010  
\_\_\_\_\_  
Date

*John E. Tarcza*  
\_\_\_\_\_  
Signature

John E. Tarcza  
\_\_\_\_\_  
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

John E. Tarcea

Typed or printed name

November 4, 2010

Date

33,638

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Applicants petition to revive the present application from abandonment because the abandonment was unavoidable.

This application became abandoned because of a failure to respond to the Non-Final Rejection dated February 2, 2009. The Office Action letter was mailed to the wrong address. The Notice of Abandonment was also mailed to the same wrong address.

The Non-Final Rejection dated February 2, 2009 followed the filing of a Request for Continuing Application which contained a change in Power of Attorney and Change of Address form. The same form requesting a change in address was filed earlier also.

Applicants request revival of the patent application and consideration of the enclosed Amendment in reply to the outstanding Non-Final Rejection of February 2, 2009.

Details and 3 sheets of supporting documents are attached.

(Please attach additional sheets if additional space is needed.)

For the convenience of the reviewer of this petition, the following chronology highlights recent actions taken and not taken resulting in the Office Action dated February 2, 2009 and the Notice of Abandonment of September 17, 2009 being mailed to the wrong address.

During prosecution of this patent application:

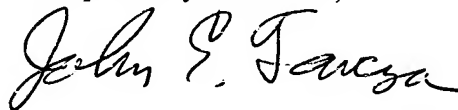
- 1.) On December 26, 2007, an amendment with Power of Attorney and Change of Address was filed by mail. The USPTO received the amendment on December 27, 2007 and is referred to as the December 27, 2007 amendment below. The amendment specifically included the Power of Attorney and Change of Address form in the list of Enclosures. A copy of this paper with the USPTO date stamp is attached. This was obtained from the image on the USPTO's PAIR system.
- 2.) On April 3, 2008 a final rejection was mailed to the wrong address. It appears the Change of Address was ignored or not properly processed. The final rejection did address the merits of the December 27, 2007 amendment.
- 3.) While never actually received by the undersigned, some type of Office Action was expected about two to three months after filing the amendment of December 27, 2007 and a copy of the April 3, 2008 rejection was obtained.
- 4.) On June 3, 2008 an amendment was filed along with a copy of the Power of Attorney and Change of Address form filed December 27, 2007. The undersigned specifically requested the Change of Address be made in the June 3, 2008 amendment on page 10, third paragraph and also listed the Change of Address form in the Enclosures listed at the end of the amendment. A copy of the Power of Attorney and Change of Address Form with both the December 27, 2007 and the June 3, 2008 date stamps is attached. The copy was obtained from the image on the USPTO's PAIR system.
- 5.) On June 18, 2008 an advisory action was mailed to the wrong address. It appears the Change of Address was ignored or not properly processed for the second time. The advisory action addressed the merits of the June 3, 2008 amendment.
- 6.) While never actually received by the undersigned, some type of Office Action was anticipated within a month or so after mailing the June 3, 2008 amendment and a copy of the advisory action was obtained.
- 7.) A divisional application 12/214,161 was filed June 18, 2008 (actually mailed June 16, 2008) along with a request to change the correspondence address to the new address.
- 8.) On July 11, 2008 an Official Filing Receipt for the divisional application was mailed with the correct mailing address. This suggests, but does not prove, that the USPTO is aware of the correct mailing address.
- 9.) On October 6, 2008 (actually mailed October 3, 2008) a Request for Continuing Application (RCE) was filed requesting automatic entry of the Amendment after final of June 3, 2008 which included the Power of Attorney and Change of Address form, and the request on page 10, paragraph 3 of that paper, and the listing of the Change of Address in the Enclosures section at the end of that paper. According to the image on the PAIR system for this date, a handwritten note appears on the first page of the amendment stating "RCE entered with Af 10/6/08". Attached is a copy of this page obtained from an image on the USPTO's PAIR system.

- 10.) Because no particular time period is expected for the USPTO to provide a first Office Action of the RCE and because the most recent correspondence for this invention received from the USPTO was the July 11, 2008 paper with the correct mailing address, and because the handwritten note indicated the amendment was entered, the undersigned considered the address to have been changed and there was no need to monitor the PAIR system.
- 11.) On February 2, 2009 a non-final rejection was mailed to the wrong address.
- 12.) On September 17, 2009 a notice of abandonment was mailed to the wrong address.
- 13.) Recent business needs of the patent owners caused a review of this patent application whereby it was discovered to have gone abandoned.

Conclusion: The most recent Office Action was mailed to the wrong address causing the application to become abandoned. Three papers were filed on three different occasions, each requesting change in Power of Attorney and Change in Address. None of these were processed appropriately.

Therefore, this situation rises to the level of "unavoidably" abandoned.

Respectfully submitted,



Date: November 4, 2010

John E. Tarcza  
Reg. No. 33,638

Attachments: three sheets  
Enclosures: Amendment  
Petition to Revive  
Petition fee

John Tarcza  
Patent Agent  
5200 Crest Court  
Jefferson, MD 21755  
301-371-7740  
E-mail: jtarcza@comcast.net



Approved for use through 12/31/2008. OMB 0651-0002  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/537,349
Filing Date	December 5, 2004
First Named Inventor	Christopher John Holloway
Title	Cards Safe
Art Unit	3676
Examiner Name	Boswell
Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint.

☐ Practitioners associated with the Customer Number.

OR

☒ Practitioner(s) named below.

Name	Registration Number
John Tarcza	33,638
Glenna Hendricks	32,535

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number.

OR

<input checked="" type="checkbox"/> Firm or Individual Name	John Tarcza				
Address	5200 Crest Ct.				
City	Jefferson	State	MD	Zip	21755
Country	USA				
Telephone	301 371 7740	Email			

am the:

☐ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/98)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	2/18/2007
Name	TROW RORNER	Telephone	444 1420 4764
Title and Company	COMPANY SECRETARY - CARDSAFE LIMITED		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUN 03 2008



**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

PTO/SB/3; (01-09)  
Approved for use through 12/31/2008. OMD 0631-0036  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
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Application Number	10/337,349
Filing Date	December 5, 2004
First Named Inventor	Christopher John Molloy
Title	Cards Safe
Art Unit	3976
Examiner Name	Sonyel
Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☐ Practitioners associated with the Customer Number.

OR

☒ Practitioner(s) named below.

Name	Registration Number
John Tercza	33,638
Glenna Mendicks	32,535

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number.

OR

<input checked="" type="checkbox"/> Firm or Individual Name	John Tercza		
Address	5200 Great GL		
City	Jefferson	State	MD
Country	USA	Zip	21765
Telephone	301 371 7740	Email	

I am the:

☐ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/98)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	21/8/2007
Name	JOHN TERCZA	Telephone	+44 1420 426 444
Title and Company	COMPANY SECRETARY - CARDSAFE LIMITED		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.22 and 1.32. The information is required to obtain or retain a patent by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.19 and 1.14. This collection is exempted to take 3 minutes comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1680, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-6199 and select option 2.

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JUN 03 2008

Docket Number: Cardsafe1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Holloway et al

Examiner: Christopher J. BOSWELL

Serial No.: 10/537,340

I hereby certify that this correspondence is being  
facsimile transmitted to the USPTO  
number 571-273-8300 on June 3, 2008 by

Art Unit: 3676

371 Filing Date: December 16, 2005

For: CARDS SAFE

*John E. Tarcza*

John E. Tarcza  
Reg. No. 33,638

RCE  
Entered  
with  
Af  
10/6/08

AMENDMENT UNDER 37 CFR 1.116

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: June 3, 2008

Dear Sir:

In response to the Final Rejection mailed April 3, 2008, wherein the Examiner set a three-month period for response, this response is filed within two months. Please enter and consider the following response.

Please amend the above-identified application as follows:

~~DO NOT ENTER: TCB~~

Amendments to the claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.